

FIRST REGULAR SESSION

HOUSE BILL NO. 604

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PIERSON.

1531L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 208.900, RSMo, and to enact in lieu thereof one new section relating to personal care assistance services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 208.900, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.900, to read as follows:

208.900. As used in sections 208.900 to 208.927, the following terms mean:

- 2 (1) "Consumer", a physically disabled person determined by the department to be eligible
3 to receive personal care assistance services. "Consumer" [does not include] **includes** any
4 individual with a legal limitation of his or her ability to make decisions[, including the
5 appointment of a guardian or conservator, or] **who has a court-appointed guardian authorized**
6 **to act on behalf of such individual.** "Consumer" **does not include any individual with a**
7 **legal limitation of his or her ability to make decisions** who has an effective power of attorney
8 that authorizes another person to act as the agent or on behalf of the individual for any of the
9 duties required by the consumer-directed program;
- 10 (2) "Consumer-directed", the hiring, training, supervising, and directing of the personal
11 care attendant by the consumer **or such person's court-appointed guardian**;
- 12 (3) "Department", the department of health and senior services;
- 13 (4) "Live independently", to reside and perform routine tasks in a noninstitutional or
14 unsupervised residential setting;
- 15 (5) "Personal care assistance services", those routine tasks provided to meet the unmet
16 needs required by the consumer to enable him or her to live independently;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 (6) "Personal care attendant", a person, other than the consumer's spouse, who performs
18 personal care assistance services for the consumer;
- 19 (7) "Physically disabled", loss of, or loss of use of, all or part of the neurological,
20 muscular, or skeletal functions of the body to the extent that a person requires the assistance of
21 another person to accomplish routine tasks;
- 22 (8) "Routine tasks":
- 23 (a) Bowel and bladder elimination;
- 24 (b) Dressing and undressing;
- 25 (c) Moving into and out of bed;
- 26 (d) Preparation and consumption of food and drink;
- 27 (e) Bathing and grooming;
- 28 (f) Use of prostheses, aids, equipment, and other similar devices; or
- 29 (g) Ambulation, housekeeping, and other functions of daily living;
- 30 (9) "Unmet needs", those routine tasks which are allowable by the Medicaid state plan
31 but which cannot reasonably be met by the members of the consumer's household or other
32 current support systems;
- 33 (10) "Vendor", any organization having a written agreement with the department to
34 provide services including monitoring and oversight of the personal care attendant, orientation,
35 and training of the consumer, and fiscal conduit services necessary for delivery of personal care
36 assistance services to consumers.

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